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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 94-161

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated November 1991.]

2. Form, Style and Placement in Administrative Code

a. In general, it might be helpful if the rule provided a complete and consistent portrayal of the tuition and fee reimbursement grant program contained in s. 45.25, Stats. For example, s. VA 2.04 (3) (e) indicates that a veteran's income may be a factor considered in determining that veteran's eligibility for receipt of a tuition and fee reimbursement grant. The rule, however, does not explicitly provide for the consideration of the six-year window of eligibility or the residency requirement contained in s. 45.25 (2) (c) and (d), Stats. Because of this, the rule is an incomplete, and possibly misleading, reflection of the tuition and fee reimbursement program. In addition, s. VA 2.04 (2) provides that an application must meet the requirements of s. 45.25 (3) (b), Stats. Section 45.25 (3) (b) 2, Stats., provides that the application must contain information necessary to establish eligibility as determined by the department. It would seem that the rule might be the appropriate place in which to specify the information that is required on the application in order for the department to determine a person's eligibility.

Accordingly, the utility of the rule would be enhanced if the rule more fully spelled out the tuition and fee reimbursement grant program created under s. 45.25, Stats., including a more complete treatment of issues such as the administration of the program, eligibility for the program, benefits available under the program, the application process for the program, the limitations on the program and the role and duty of the department in reviewing applications and awarding grants under the program.

b. Section VA 2.04 (3) (e) refers to a “grant under this section.” However, the rule does not provide for a grant. The rule only provides some of the requirements and limitations for the

grants administered under s. 45.25, Stats. Either s. VA 2.04 (3) (e) should be modified to refer to grants under s. 45.25, Stats., or the rule should be revised to more fully describe the tuition and fee reimbursement grant program. [See the preceding comment.]

c. The title to s. VA 2.04 should be underscored and in capital letters; the titles to the paragraphs of s. VA 2.04 (3) should be underscored.

3. Conflict With or Duplication of Existing Rules

In s. VA 2.04 (1) (b), the rule defines a “veteran” with a reference to s. 45.25 (2) (b), Stats. However, s. VA 1.06 provides a different definition for the term “veteran” which is applicable to chs. VA 1, 2 and 3. In addition, s. 45.25 (2) (b), Stats., refers to the eligibility of a person for the tuition and fee reimbursement grants and not to the definition of “veteran.” A “veteran” is defined in s. 45.35 (5), Stats. Accordingly, because a veteran is defined in s. VA 1.06, the rule does not need to include a definition of veteran. Instead, it would appear that a section of the rule should be created to delineate the eligibility of persons to receive tuition and fee reimbursement grants. In addition, the remainder of the rule should be reviewed so that the references to veteran are clarified to mean a veteran eligible to receive a tuition and fee reimbursement grant.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In s. VA 2.04 (1) (a), “income” is defined, in part, as “adjusted gross income.” Does this refer to the Internal Revenue Code definition of adjusted gross income? The term “adjusted gross income” should be defined in the rule.

b. In the first sentence of s. VA 2.04 (2), it should be made clear that the term “grant” refers to a tuition and fee reimbursement grant under s. 45.25, Stats., or the rule.

c. In s. VA 2.04 (3) (a), what are “mandatory and uniform” fees? These fees should be defined in the rule.

d. Section VA 2.04 (3) (c) is confusing. Perhaps an example could be included in a note to the rule illustrating how the conversion of credits is made. Also, does the conversion of credits relate to a person’s eligibility under s. 45.25 (2), Stats., or to the limitations on the number of grants that a person may receive under s. 45.25 (4), Stats.? If the latter is the case, the word “eligibility” in s. VA 2.04 (3) (c) should be replaced by a more appropriate term. Finally, why is it necessary to convert the credits of a part-time student to a semester basis and the semesters attended by a full-time student to a credit basis? Does the conversion only apply if a part-time student becomes a full-time student and vice versa? This issue should be clarified in the rule.

e. In s. VA 2.04 (3) (d), the word “and” appearing between the phrase “ch. 38, Stats.” and the phrase “any institution” should be changed to the word “or.” The word “at” should be replaced by the word “in.” Finally, the last clause of the paragraph, relating to previous reimbursement, is awkward. Perhaps the paragraph could be clarified by deleting the material after the reference to s. 45.25 (4) (a), Stats., and inserting the following, “if the transferred credits have been reimbursed under s. 45.25, Stats.”

f. In s. VA 2.04 (3) (e), the phrase “annual income” appears to be redundant because the definition of the term “income” refers to “annualized” adjusted gross income. If “annual income”

means something other than “income” as defined in the rule, then “annual income” should be defined. If “annual income” really refers to “income,” then the term “annual” should be deleted.

g. The rule should be clarified to reflect the initial applicability provisions of SECTION 20 of 1993 Wisconsin Act 254, which provides that the tuition and fee reimbursement grant program does not apply to tuition and fees incurred prior to the requisite department deposits and in no case prior to January 1, 1995.